

Summary of Violations and Proposed Administrative Civil Penalties
Scott's Jack London Seafood In., and the Port of Oakland (BCDC permit No. 1985.019.09B)
Calendar Years 2004-2016

Page 1 of 2

Violation Category	Duration in Days	Minimum Penalty at \$10/day	Maximum Penalty at \$2,000/day	Daily Proposed Penalty	Total Proposed Penalty
Construction of Unpermitted Development (4 violations)	913	\$9,130	\$120,000 (capped at \$30,000 per violation)	\$1,000/day (capped at 30 days x 4 violations)	\$120,000
Non-compliant Use of the Pavilion (Six different types of private, non-compliant use, each with different levels of daily penalties)	See Page 2	\$10,258* See page 2	\$2,051,600* See page 2	See Page 2	\$439,360* See page 2
Unauthorized Private Uses of the Public Franklin and Broadway Street Plazas (as of 7/1/2015)	394	\$3,940*	\$788,000*	\$250/day	\$98,500*
Untimely Submittal of Private Event Schedules (17 late or missing reports) (as of 7/1/2015 or 7/1/2016)	1,145	\$11,450	\$474,000 (capped)	\$100/day	\$114,500
Failure to Permanently Dedicate the Pavilion Public Access Area (as of 7/1/2015)	5,475 (365 x 15 years)	\$30,000 (capped)	\$30,000 (capped)	\$250/day	\$30,000
Failure to Install the Required Public Access Improvements in the Pavilion (as of 7/1/2015)	4,745 (365 x 13 years)	\$30,000 (capped)	\$30,000 (capped)	\$500/day	\$30,000
Failure to Obtain Plan Approval	90	\$900	\$30,000 (capped)	\$100/day	\$9,000
Total	x	\$95,678	\$3,523,600	x	\$841,180

* Each occurrence of these violation is deemed a separate violation.

Exhibit B

Summary of Non-Complaint Use of the Pavilion and Proposed Administrative Civil Penalties

Scott's Jack London Seafood In., and the Port of Oakland (BCDC permit No. 1985.019.09B)

Calendar Years 2004-2014

Page 2 of 2

Specific Permit Violations	Duration in Days of Violation	Minimum Penalty at \$10/day	Maximum Penalty at \$2,000/day	Proposed Daily Penalty	Total Proposed Penalty
Providing Fewer Than 292 Public Use Days Per Year	374	\$3,740	\$748,000	\$1,000/day	\$374,180
Providing Fewer than a Winter Season Monthly Average of Five (5) Public Use Weekend Days and Nights	2.4	\$24	4,800	\$100/day	\$240
Holding More than a Winter Season Monthly Average of Four (4) Private Events On Weekend Days and Nights	107.4	\$1,074	214,800	\$100/day	\$10,740
Holding More than a Summer Season Monthly Average of Three (3) Private Events On Weekend Days and Nights	183	\$1,830	\$366,000	\$100/day	\$18,300
Providing Fewer than Three (3) Public Use Weekend Days and Nights Per Month	20	\$200	\$40,000	\$100/day	\$2,000
Holding More than Two (2) Consecutive Private Use Days at a Time	339	\$3,390	\$678,000	\$100/day	\$33,900
Total	x	\$10,258	\$2,051,600	x	\$439,360